

REMARKS

Claims 22-24, 26-28 and 34-39 are currently pending. Claim 22 is amended herein to recite that the polypropylene fibers consist essentially of polypropylene that is homogeneous in the cross-section in the solid state. Support for this amendment will be discussed below. The specification was amended accordingly to comply with 35 C.F.R. 1.75(d)(1) and MPEP 608.01(o). As such, no new matter is introduced by these amendments and their entry and consideration is respectfully requested.

Claims 22-24 and 34-39 stand rejected under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 5,814,569 to Suzuki et al. ("Suzuki") in view of U.S. Patent No. 5,882,562 to Kozulla ("Kozulla"). Claims 26-28 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Suzuki in view of Kozulla, further in view of U.S. Patent Application Publication No. 2003/0100238 to Morman et al. ("Morman"). Applicants respectfully request reconsideration of this application in view of the amendments and the following remarks.

Applicants further note that Claim 24 was canceled in Applicants' Response to the Office Action dated May 22, 2008 (Response dated August 19, 2009). The Final Action indicates that this claim is still pending. Therefore, if Claim 24 is not already canceled, Applicants again request that it now be canceled as set forth above in the listing of claims.

Interview of January 20, 2010

Applicants wish to thank Examiner Cole and Examiner Dye for their interview with Applicants' attorney, Dolores W. Herman, on January 20, 2010 (the "Interview"). Applicants have amended the claims herein in view of the indication from Examiner Cole and Examiner Dye that they agree that such claim amendments are supported by the specification and overcome the outstanding rejections.

Claims 22-24 and 34-39 Are Patentable Over Suzuki In View Of Kozulla

Claims 22-24 and 34-39 stand rejected under 35 U.S.C. §103(a) as allegedly obvious over Suzuki in view of Kozulla. *Final Action*, page 2.

At the outset, Applicants maintain all arguments of record regarding the patentability of the claims over Suzuki in view of Kozulla. However, in order to expedite prosecution, Applicants have amended the claims to recite that the polypropylene fibers of the non-woven webs consist essentially of polypropylene that is homogeneous in the cross-section in the solid state. As discussed during the Interview, it is Applicants' understanding that Examiner Cole agrees that Kozulla's fibers are not homogeneous in the cross-section in the solid-state and that this amendment overcomes the present rejection.

As support for this amendment, Applicants have submitted herewith a Declaration under 37 C.F.R. §1.132 by Dr. De-Sheng Tsai, an inventor of the present application. Dr. Tsai describes that in the field of non-woven webs or fabrics, unless otherwise stated, the polypropylene in a "polypropylene fiber" is homogeneous in the cross-section in the solid-state. Dr. Tsai further describes that the polypropylene of the polypropylene fibers of the non-woven webs described in Examples 1-6 in the present specification was homogeneous in the cross-section in the solid state. As such, the present amendment of Claim 22 is supported by the specification because one of ordinary skill in the art at the time of the invention would have read and understood the present application as teaching the use of polypropylene fibers having polypropylene that is homogeneous in the cross-section in the solid-state.

Thus, as Kozulla's fibers do not consist essentially of polypropylene that is homogeneous in the cross-section in the solid state, the combination of Suzuki and Kozulla would not have lead one of ordinary skill in the art at the time of the invention to the compositions as claimed herein. Therefore, Applicants submit that Claims 22, 23, 26-28 and 34-39 are patentable over Suzuki in view of Kozulla and respectfully request that this rejection be withdrawn.

Claims 26-28 Are Patentable Over Suzuki In View of Morman

Claims 26-28 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Suzuki in view of Kozulla, further in view of Morman. *Final Action*, page 5.

For at least the reasons described above with respect to Claim 22, from which Claims 26-28 depend, Applicants submit that Claims 26-28 are patentable over Suzuki in view of Kozulla. As Morman is only cited for describing laminate formation, Morman does not remedy the deficiencies of Suzuki and Kozulla. Therefore, Applicants respectfully request that the present rejection be withdrawn.

CONCLUSION

Having addressed all of the issues raised by the Examiner in the pending Office Action, Applicants believe that the claims as presented herein are in condition for allowance, which action is respectfully requested. The Examiner is invited and encouraged to contact the undersigned directly in order to expedite the prosecution of the pending claims to issue.

No fee is believed to be due with this response. However, the Commissioner is authorized to charge any deficiency associated with this filing or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on February 17, 2010.

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